

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FANG CONG,

Plaintiff,

v.

XUE ZHAO,

Defendant.

CASE NO. 2:21-cv-01703-TL

ORDER ON MOTIONS TO AMEND
AND TO PROVIDE ADDRESS

This matter is before the Court on Plaintiff Fang Cong's Motion for Leave to Amend Complaint (Dkt. No. 25) and Motion for Leave to Order New Defendant to Provide Address (Dkt. No. 26). Plaintiff seeks to amend her complaint to add a plaintiff (Lin Jiang) and a defendant (Valve Corporation), as well as factual allegations. Dkt. No. 25 at 2–3. Plaintiff also asks the Court to order Valve Corporation to provide a physical address for service, or to permit her to use email service. Dkt. No. 26 at 2.

“A party may amend its pleading once as a matter of course within: . . . if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ.

P. 15(a)(1)(B). Here, Plaintiff filed her motion to amend before a responsive pleading was even filed, and she has not previously amended her complaint. Because Plaintiff can amend her complaint without leave of the Court, her motion to amend is unnecessary, and the Court will grant the request. *See Sparling v. Hoffman Const. Co., Inc.*, 864 F.2d 635, 638 (9th Cir. 1988) (holding that district court “should have granted” plaintiff’s “unnecessary” motion to amend where plaintiff had right to amend without leave of court); *see also Martinez v. Pierce Cnty.*, No. C22-5919, 2023 WL 3722220, at *1 (W.D. Wash. May 30, 2023) (granting motion to amend where plaintiff had right to amend without leave); *Falconbridge v. Bank of Am., N.A.*, No. C20-636, 2020 WL 4057773, at *2 (W.D. Wash. July 20, 2020) (same).

However, Plaintiff has not demonstrated entitlement to the relief she seeks regarding Valve Corporation. Service on a corporation is governed by Federal Rule of Civil Procedure 4(h). Plaintiff is directed to review Rule 4(h) and pursue service (including possible waiver of service) using acceptable methods. Plaintiff may later request leave for alternative service if she can demonstrate that alternative service is appropriate. *See, e.g.*, Dkt. No. 24 at 4–7 (granting alternative service on Defendant Xue Zhao upon proper showing from Plaintiff).

Accordingly, it is hereby ORDERED:

(1) Plaintiff’s Motion for Leave to Amend Complaint (Dkt. No. 25) is GRANTED.

Plaintiff SHALL file her First Amended Complaint **within three (3) days** of this Order.

(2) Plaintiff’s Motion for Leave to Order New Defendant to Provide Address (Dkt. No. 26) is DENIED.

Dated this 20th day of November 2023.


 Tana Lin
 United States District Judge